



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

83

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/520,402    03/08/00    YOSELOFF

M    PA0437.AP.US

┌

QM32/0308

EXAMINER
----------

MARK A. LITMAN  
MARK A. LITMAN & ASSOCIATES, P.A.  
3209 WEST 76TH STREET  
SUITE 205  
EDINA MN 55435

MENDIRATTA, V	
ART UNIT	PAPER NUMBER

3711  
DATE MAILED:

03/08/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/520,402

Applicant(s)

Mark Yosloff

Examiner

Vishu K. Mendiratta

Group Art Unit

3711



☒ Responsive to communication(s) filed on Jun 19, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-30 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3711

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Netley or Ornstein.

Netley teaches a method of playing a poker game comprising the steps of wagering for each game (col.3, lines 13-14), playing at least two games (abstract), allowed to play a second game if winning the first game (col.2, lines 65-67), awards for winning both hands (col.3, lines 27-31), and bonus (col.3, lines 39).

Ornstein also teaches a wagering game allowing a player to win multiple bets (abstract) and enhanced payoffs for consecutive winning (col.5, line 61-64).

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-19 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody (,873) in view of Ornstein.

Art Unit: 3711

Moody teaches a poker game placing a bet for each game, playing multiple games (abstract), using cards (abstract) and video screens (Fig.1), inherently teaching poker rules and ranks, paying winnings on poker hands (abstract). Moody teaches all limitations of these claims except that it does not teach paying for a parlay or consecutive winnings on hands. Ornstein teaches wagering and enhanced paying on consecutive winnings on hands (col.5, lines 61-64). In order to make the game attractive for players, it would have been obvious to allow a commonly known method step of using the parlay bet. One of ordinary skill in art at the time the invention was made would have provided enhanced payoff by allowing parlay bets.

Moody also does not teach determining payout on the minimum (lower of the two hands) rank as in applicants claims 3 and 28. In order to maintain the advantage of the house, it would have been obvious to pay on the basis of lower (of the two ranks) of the two hands. One of skill in art at the time the invention was made would have allowed payout on the basis of lower of the two ranks in order to maintain the house advantage.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lamle (,146) and Friedman (,543) both teach Parlay bets.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu Mendiratta whose telephone number is (703) 306-56995. If attempts to reach the examiner are unsuccessful, the examiner's supervisor Jeanette Chapman, can be reached on (703)308-1310. The fax number of the organization where this application or proceeding is assigned is (703)305-3579. Any inquiry of general nature or relating to the status of

Application/Control Number: 09/520402

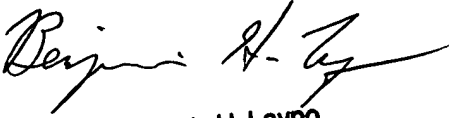
Page 4

Art Unit: 3711

the application or proceeding should be directed to the receptionist whose telephone number is  
(703)308-1148.

VKM

March 1, 2001

  
Benjamin H. Layno  
Primary Examiner